

### **Remarks/Arguments**

Please reconsider the application in view of the following remarks and arguments.

#### **Disposition of The Claims**

Claims 1-11 were pending, claims 1-8 are amended, and claims 9-11 were withdrawn from consideration. Claims 1-8 are rejected.

#### **Rejections under 35 U.S.C. §103**

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art in the specification of the present application in view of Culp (US 5,922,158) and Nugent (US 5,000,804). Applicant respectfully traverses.

Applicant submits that the Culp patent and the Nugent patent, together with the labeling apparatus of the Admitted Prior Art, fail to disclose a refrigerant storage tank as recited in claim 1. Moreover, the Office has failed to show how use of a heat-shrink sleeve on a refrigerant storage tank would have been obvious.

In response to the first Office action, Applicant amended claims 1-8. As part of those amendments, Applicant added the refrigerant storage tank limitation to claim 1. Thus, Applicant claims a refrigerant storage tank labeling system having a refrigerant storage tank and a sleeve. In rejecting claims 1-8 as obvious, the Examiner states that the Culp reference specifically teaches: "a heat shrinkable sleeve 20 being used to label a propane storage tank 10 (Figure 1)." See Office action, page 3. The Examiner has not pointed to any reference made in either Culp or Nugent to a refrigerant storage tank, in fact, neither the Culp reference nor the Nugent reference disclose a refrigerant storage tank.

Since the Office has not shown that Culp and Nugent, when combined with the labeling apparatus of the Admitted Prior Art, teach or suggest all the limitations of claim 1, specifically, that when combined, teach a refrigerant storage tank and sleeve, the Office has failed to establish a *prima facie* case of obviousness. Accordingly, applicant request the withdrawal of the rejection under 35 U.S.C. 103 of amended independent claim 1 and all claims dependent therefrom.

Culp discloses a method for reconditioning a propane gas tank. Culp fails to disclose a heat shrunk, removable, labeling system for a refrigerant storage tank. The Examiner merely

concludes that “it would have been obvious to the skilled artisan at the time the invention was made to apply the labeling apparatus of the Admitted Prior Art of the refrigerant tank in the form of a heat-shrinkable, plastic sleeve as an alternative to the paper labels, tie-on tags, and adhesive labels of the Admitted Prior Art because such labeling apparatus is known in the storage tank art, as taught by Culp”. (See Office Action page 4). The Applicant disagrees. There is no evidence found in Culp to support this conclusion made by the Examiner, and further, the Examiner has failed to point to where these statements are made in Culp.

There is no motivation to combine Culp and the labeling apparatus of the Admitted Prior Art. The Culp patent is only for propane tanks. In fact, Culp does not even teach labeling a propane storage tank each time it is filled. Further, a propane tank is not a refrigerant storage tank. In fact, the propane tanks shown in FIGS. 1, 4, and 6- 10 of Culp are all the shape of a typical propane storage tank found in the art. It is known to one skilled in the art of propane tanks that propane tanks are always the same shape, and are always filled with propane. No other storage tanks are shaped like a propane tank. This industry wide standard is maintained for safety reasons.

Therefore, there would be no need for the paper labels, tie-on tags, and adhesive labels of the Admitted Prior Art to be combined with the propane tank taught in Culp. Nor is there a need for a removable label, to be removed each time the propane tank is filled, and replaced with a new label to indicate the new contents each time the propane tank was filled. The contents filling a propane tank will always be propane, thus, the need for labels such as those described in the labeling apparatus of the Admitted Prior Art are unnecessary in the propane tank art. Thus, there is no motivation to combine the teachings of Culp with the Admitted Prior Art.

Further, even upon combining the paper labels, tie-on tags, and adhesive labels of the Admitted Prior Art with the propane storage tank and heat –shrinkable plastic sleeve of Culp, the result would not be the present invention. There is no refrigerant storage tank.

The Examiner states she appreciates that “Culp is directed to a storage tank and not a refrigerant tank” and that the “examiner relied on the Culp reference for its broader teaching of using a heat-shrinkable sleeve for labeling a storage tank in order to eliminate the need for adhesive labels”. See Office action, page 6. The applicant does not agree. First, Culp is clearly directed to a propane storage tank. There is absolutely no mention or suggestion in Culp of any

other type of tank except a propane storage tank. Second, even if a heat-shrinkable sleeve is used to refurbish a propane tank as taught by Culp, the Examiner has failed to show where Culp teaches using a heat-shrinkable sleeve for labeling a refrigerant storage tank.

Because there is no motivation to combine the Admitted Prior Art with Culp and even when combined, the result does not include each and every limitation of claim 1, the Office has failed to establish a *prima facie* case of obviousness. Accordingly, applicant request the withdrawal of the rejection under 35 U.S.C. 103 of amended independent claim 1 and all claims dependent therefrom.

### **Conclusion**

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated July 29, 2004, and respectfully requests favorable action in this application. The Examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Please apply any charges not covered, or any credits, to Deposit Account 04-0932 (Reference Number 11702/54246). Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

Respectfully submitted,

Date: 09.29.04

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